

the claims alleged to belong to differing inventions have already been examined by this Examiner and rejected pursuant to the Office Action dated September 20, 2002. Applicant submitted a timely response which was believed to overcome the Examiner's rejections. This restriction requirement has been presented after the claims have already been examined. This examination was performed by the same Examiner now alleging that the claims are distinct. Applicant respectfully submits that since the Patent Office has already determined that the claims are not distinct and in doing so examined the claims and initially rejected the claims, Applicant submits that the restriction requirement following the first Office Action in this particular case is unwarranted and should be withdrawn.

In addition, the restriction requirement does not appear to provide a *prima fascia* showing of how each of the groups are related as alleged combination and sub-combination. If this restriction requirement is maintained, Applicant respectfully requests a showing as to which claims are the alleged combination claims and which claims are the alleged sub-combination claims.

The restriction requirement should also be withdrawn since, among other things, the basis for the restriction does not appear to be supported by the claim language. For example, the restriction requirement alleges that the claims in Group I (claims 1-13) are allegedly related as combination and sub-combination. However, Applicant notes that claims in Group II (claims 14-17) appear to have the exact claim language therein. For example, claim 1 and claim 17 appear to have the exact claim elements directed to a method and the other one to a system. As such, these cannot be combinations and sub-combinations as one is not a sub-combination of the other. Accordingly, these groups cannot be combinations and sub-combinations. Accordingly, the restriction requirement should be withdrawn.

If the restriction requirement is maintained as noted above, Applicant respectfully requests a showing as to which elements are the sub-combinations and which elements are the combinations in each of the respective groups so that the Applicant can suitably respond. In addition, if the restriction requirement is maintained, Applicant respectfully elects claims 1-13 to be examined.



Accordingly, Applicant respectfully submits that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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